

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:18-cv-00641-FDW**

<b>ADRIAN D. MURRAY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>WARDEN, Lanesboro Correctional, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**THIS MATTER** is before the Court on Defendants' Motion to Strike Plaintiff's Response.

[Doc. 35].

On June 17, 2019, the Court ordered that Plaintiff's allegations survived initial review as to Defendants Warden, FNU McCoy, and Sergeant L. Mott ("Defendants"). [Doc. 19]. On October 18, 2019, Defendants filed an Answer to Plaintiff's Complaint. [Doc. 32]. On October 31, 2019, Plaintiff filed a document he titled "Plaintiff's Response to Defendants Answer/Motion to Dismiss" ("Plaintiff's Response"), in which Plaintiff seeks essentially to rebut averments made in Defendants' Answer. [Doc. 34].

Defendants now move to strike Plaintiff's Response primarily on the ground that it exceeds the scope of the pleadings permitted by the Federal Rules of Civil Procedure. [Doc. 36 (citing Fed. R. Civ. P. 7(a))].

For good cause shown, the Court will grant Defendant's motion and strike Plaintiff's Response [Doc. 34] as an improper pleading in this matter.

**IT IS THEREFORE ORDERED** that:

1. Defendants' Motion to Strike Plaintiff's Response [Doc. 35] is **GRANTED**.
2. Plaintiff's Response [Doc. 34] is hereby **STRICKEN** from the record in this matter.

Signed: November 14, 2019



Frank D. Whitney  
Chief United States District Judge

